

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 149-2005



To: Mayor David Dermer and
Members of the City Commission

Date: June 8, 2005

From: Jorge M. Gonzalez
City Manager

Subject: **MIAMI-DADE COUNTY ROAD IMPACT FEES**

RECEIVED
05 JUN -9 AM 10:00
CITY CLERK'S OFFICE

The purpose of this LTC is to provide the Mayor and City Commission with additional information regarding the proposed changes to the County's Road Impact Fee ordinance that were discussed at the June 8, 2005 City Commission meeting. A copy of the proposed ordinance is attached.

Following the City Commission meeting, the Administration was informed by County Commissioner Barreiro's office that the proposed ordinance was deferred from the block of ordinances on first reading, and therefore was not considered on first reading.

Below, please find the Legislative History for this item. As part of yesterday's deferral, the County Manager requested that the item be placed on the June 21, 2005 County Commission agenda for first reading. Additionally, on May 23, 2005, the County Manager reported that this is a "must pass" item that needs to be completed prior to October 1, 2005 for inclusion in the budget.

The due date for the ordinance to be discussed at the County Commission's Infrastructure and Land Use Committee is August 16th, 2005, and according to the County Commission calendar that committee is currently scheduled to meet on August 13, 2005. Should the item receive a positive recommendation from the committee, it will return to the Board of County Commissioners for second reading and public hearing.

If the ordinance is forwarded to the full commission by the committee, there are three possible dates for the item to be considered on second and final reading prior to the end of the fiscal year: August 23, September 8, and September 20.

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	6/7/2005		Scheduled for a public hearing	Infrastructure and Land Use Committee	8/16/2005		

County Manager	6/2/2005	Deferrals	6/7/2005
REPORT:	The County Manager is requesting deferral of this item to the June 21, 2005 BCC Meeting.		
County Manager	5/23/2005	Assigned	Pete Hernandez 5/23/2005
REPORT:	MUST PASS [Needs to be completed prior to October 1, 2005 Budget cycle for inclusion]		
County Manager	5/23/2005	Referred	Infrastructure and Land Use Committee 8/16/2005
County Attorney	5/23/2005	Assigned	Craig H. Collier 5/24/2005
County Manager	5/23/2005	Assigned	County Attorney 6/7/2005
REPORT:	1ST Reading for 6/7/2005... PWD [Public Hearing at INLUC 8/16/2005]..2nd Reading 9/8/2005		

I will keep you informed as this item progresses. Please contact me if you have any questions or comments.


JMG\TH\kc

c: Tim Hemstreet, Assistant City Manager
 Bob Middaugh, Assistant City Manager
 Fred Beckmann, Public Works Director
 Kevin Crowder, Economic Development Division Director

Memorandum



Date: June 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Proposed Amendment to Chapter 33E of the Miami-Dade County Code and the Miami-Dade Road Impact Fee Manual, Pertaining to Road impact Fee

Agenda Item No. 4(L)

RECOMMENDATION

It is recommended that the Board approve the attached Ordinance which amends the existing Miami-Dade County Road Impact Fee Ordinance, Chapter 33E of the Miami-Dade County Code, and the Road Impact Fee Manual by modifying the boundaries of the Road Impact Fee (RIF) Districts (reducing the number of districts from nine to three), authorizing the proration of funds from the nine existing districts into the three proposed districts, and providing for annual public comment on an impact fee report.

BACKGROUND

On December 6, 1988, the Board of County Commissioners adopted the Dade County Road Impact Fee Ordinance (Ord. No. 88-112 § 1) Chapter 33E of the Miami-Dade County Code, for the purpose of ensuring that all new development bears its proportionate share of the capital cost of road facilities necessary to allow an adequate level of roadway service within Miami-Dade County and its municipalities.

In order to insure that fee-funded roadway improvements provide benefits to the developments that pay impact fees, nine RIF districts were created, each with its own trust fund. When a development pays road impact fees, the fees are deposited into the trust fund for the RIF district in which the development is located. When roadway improvements are funded by RIF's, the funds are drawn from the trust fund for the RIF district in which the funded improvements are located.

Changes in development and traffic patterns that have occurred over the past 15 years have diminished the effectiveness of the current benefit districts as a means for matching funds to projects for the benefit of fee paying developments. Commuter trip distances have increased over the years and residents of the developments that have paid road impact fees regularly travel far beyond the boundaries of the benefit district in which their development is located thus benefiting from roadway improvements funded by other neighboring benefit districts.

The Public Works Department has reevaluated the boundaries of the RIF districts in consultation with James C. Nicholas, Ph.D., of the University of Florida, a recognized expert in the field, and has determined that a more effective distribution of RIF benefits could be achieved by redrawing the boundaries of RIF districts and by reducing the number of districts from nine to three. This will enable needed road improvements to be built sooner. Since the most significant trip made by the residents who are the intended beneficiaries of the RIF funded road improvements is their daily commute to work, the proposed new RIF districts are designed around Miami-Dade County's primary "commuting sheds" which converge toward a centroid consisting of the Airport, the Civic Center and Downtown Miami.

Proposed RIF District 1 corresponds to the North commuting shed which feeds into I-95 and the Palmetto Expressway.

Proposed RIF District 2 corresponds to the East-West commuting shed which feeds into State Road 836 and SW 8th Street.

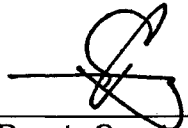
Proposed RIF District 3 corresponds to the Southwest commuting shed which feeds into South Dixie Highway and the Homestead Extension Florida Turnpike.

Legal descriptions for the three proposed Road Impact Fee Benefit Districts are included in a new section of the Code, Chapter 33E-17 titled "Boundaries of Road Impact Fee Benefit Districts" which is being created in Section 2 of this ordinance. The boundaries are also depicted in "Figure 1" of proposed Section 33E-17 titled "Map of Road Impact Fee Benefit Districts," also in Section 2 of the Ordinance. This new section will incorporate the legal descriptions and map into the body of the Code rather than by reference as attachments.

A table, included as Attachment "A," is provided for the purpose of prorating funds now held in trust for the nine existing RIF districts into the trust funds that would be established for the three proposed districts.

FISCAL IMPACT

There are no increases in fees proposed in this ordinance. The sole fiscal impact expected is a beneficial, expeditious use of road impact fees to more timely fund road improvements.



Deputy County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(L)

Please note any items checked.

- ☒ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(L)
06-07-05

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 33E OF THE CODE OF MIAMI-DADE COUNTY (CODE) AND THE MIAMI-DADE ROAD IMPACT FEE MANUAL; REDUCING THE NUMBER OF IMPACT FEE DISTRICTS FROM NINE TO THREE; CREATING SECTION 33E-17 OF THE CODE DEFINING BOUNDARIES OF NEW ROAD IMPACT FEE BENEFIT DISTRICTS; PROVIDING ANNUAL PUBLIC COMMENT ON IMPACT FEE REPORT; PROVIDING SEVERABILITY, INCLUSION AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

MIAMI-DADE COUNTY, FLORIDA:

Section 1. Sections 33E-11 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 33E-11. Impact fee benefit district and trust funds

(a) To insure that fee-funded roadway improvements will benefit impact fee-paying development, all collected impact fees shall be spent only for off-site roadway improvements or for principal and interest payments (including sinking fund payments) on bonds or other borrowed revenues used to fund such improvements, within the benefit district in which the fee-paying development is located, or within three (3) miles of the border of the benefit district upon prior determination by resolution of the Board of County Commissioners, that the project benefits the Impact Fee District where the funds were collected. These benefit districts are ~~[[delineated in Attachment A Revised and]]~~ described in detail in >>Section 33E-17. Boundaries of Road Impact Fee Benefit Districts<< ~~[[Attachment B Revised of which attachments are incorporated herein by reference and made a part hereof.]]~~ >> and depicted in Section 33E-17 (Figure 1) – Map

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

of Road Impact Fee Benefit Districts << The full width of the right-of-way of the roadways that form a border of a benefit district shall be considered to be within the district.

>>Subsequent to the effective date of this ordinance, new Trust Fund Accounts shall be established for each of the three road impact fee districts created hereby. Existing Road Impact Fee trust fund accounts shall then be prorated and transferred into said new trust fund accounts in accordance with the table identified as Attachment A, attached hereto and made a part hereof. <<

(b) A separate interest bearing roadway trust account shall be established for each benefit district and all impact fees collected by the County Planning and Zoning Director shall be promptly deposited into the proper trust account, except for general administrative costs paid pursuant to Sections 33E-9 and 33E-12, which shall be directed to County operating fund accounts. Impact fees collected by municipalities pursuant to this chapter shall be transmitted to the County Planning and Zoning Director at the end of each fiscal quarter except for the portion of the general administrative cost designated for retention by the municipality.

(c) A financial and management report on the impact fee trust funds shall be prepared annually by the County [~~Public Works Department~~] >> Office of Capital Improvements << and submitted to the County Manager within one hundred twenty (120) days of the >>date of the<< end of the County's fiscal year. >> No later than thirty (30) days after submission of the report, the County Manager shall conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. This meeting shall be advertised at least seven (7) days in advance in a newspaper of general circulation. No later than thirty (30) days after the public meeting, the County Manager shall schedule the report, which shall serve as the County's Annual Impact Fee Report, for the Board of County Commissioners' consideration. The County Manager shall provide a companion report to the Board advising of any County Manger recommended impact fee program changes and detailing comments received from the annual impact fee public meeting.<<

Section 2. Section 33E-17 of the Code of Miami-Dade County is hereby created

to read as follows:

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>>Sec. 33E-17. Boundaries of Road Impact Fee Benefit Districts

(a) **DISTRICT 1** is described as follows: BEGIN at the intersection of the line between Broward County, Florida and Miami-Dade County, Florida, with the centerline of U.S. Highway No. 27 also known as Okeechobee Road, in Section 3, Township 52 South, Range 39 East, Miami-Dade County, Florida; thence southerly along said centerline of U.S. Highway No. 27 and its southerly extension thereof to an intersection with the Miami River Canal; thence meander southeasterly along the centerline of the Miami River Canal and along the Miami River to its mouth at Biscayne Bay; thence due East through Biscayne Bay staying northerly of Claughton Island (also Known as Brickell Key) to a point 1,100.00 feet southwesterly of the Bulkhead Line of the Miami-Dade County Seaport recorded in Plat Book 74 at Page 19 of the Public Records of Miami-Dade County, Florida; thence Southeasterly parallel with and 1,100.00 feet southwesterly of said bulkhead line through Norris Cut between Fisher Island and Virginia Key to a point where Norris Cut Meets the Atlantic Ocean; thence due East to the eastern boundary of the corporate limits of Miami-Dade County; thence Northerly along said eastern boundary of the corporate limits of Miami-Dade County to the northern boundary of the corporate limits of Miami-Dade County; thence meander westerly along said northern boundary of the corporate limits of Miami-Dade County to the POINT OF BEGINNING.

(b) **DISTRICT 2** is described as follows: COMMENCE at the intersection of the line between Broward County, Florida and Miami-Dade County, Florida, with the centerline of U.S. Highway No. 27 also known as Okeechobee Road, in Section 3, Township 52 South, Range 39 East, Miami-Dade County, Florida; thence southerly along said centerline of U.S. Highway No. 27 to the intersection with Krome Avenue also known as N.W. 177th Avenue being the POINT OF BEGINNING; thence southwesterly and southerly along the centerline of said Krome Avenue also known as N.W. 177th Avenue to the intersection with U.S. Highway No. 41 also known as S.W. 8th Street; thence westerly along the centerline of said U.S. Highway No. 41 also known as S.W. 8th Street to the westerly boundary of the corporate limits of Miami-Dade County; thence southerly along said westerly boundary of the corporate limits of Miami-Dade County to a theoretical intersection with S.W. 248th Street extended westerly; thence easterly along the theoretical centerline of said S.W. 248th Street and along Coconut Palm Drive to the intersection with the centerline of the C.S.X. Railroad Right-of-Way in Section 24,

Township 56 South, Range 38 East, Miami-Dade County, Florida; thence Northerly and Northeasterly along the centerline of said C.S.X. Railroad Right-of-Way to the theoretical intersection with the westerly extension of the Snapper Creek Expressway also known as State Road No. 878; thence easterly along said westerly extension of Snapper Creek Expressway also known as State Road No. 878 and southeasterly along the actual centerline of said Snapper Creek Expressway also known as State Road No. 878 to its intersection with U.S. Highway No. 1 also known as South Dixie Highway; thence northeasterly along the centerline said U.S. Highway No. 1 also known as South Dixie Highway to its intersection with Brickell Avenue; thence continue Northeasterly along the centerline of said Brickell Avenue to the intersection with the centerline of the Miami River; thence meander along the centerline of said Miami River and the Miami River Canal westerly and northwesterly to the southerly extension of the centerline of U.S. Highway No. 27 also known as Okeechobee Road, in Section 3, Township 52 South, Range 39 East, Miami-Dade County, Florida; thence Northerly along the centerline of U.S. Highway No. 27 also known as Okeechobee Road to the POINT OF BEGINNING.

(c) **DISTRICT 3** is described as follows: All that portion of Miami-Dade County Florida lying South and East of Road Impact Fee Benefit Districts 1 and 2 as described herein.

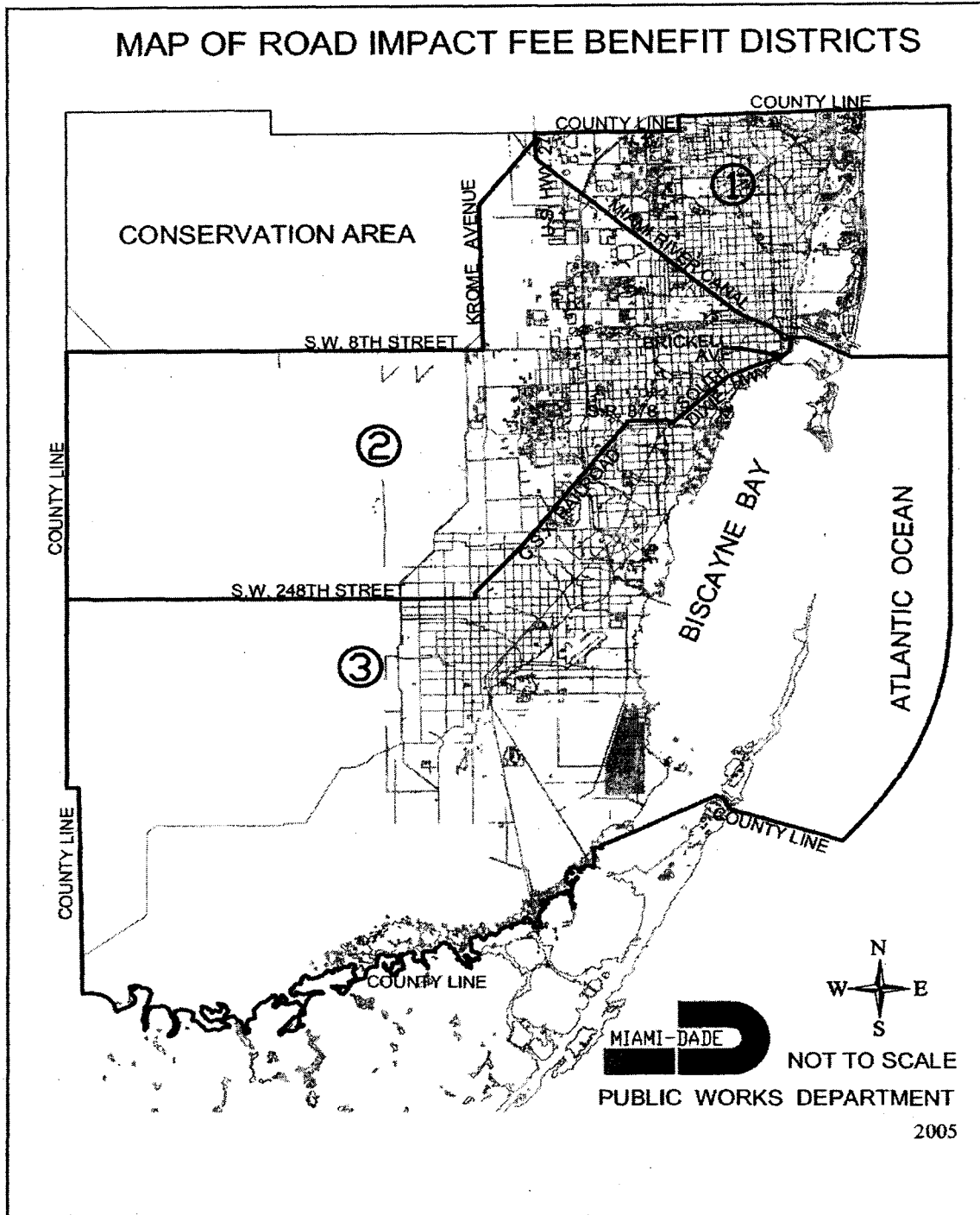


Figure 1<<

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Section 3. The Miami-Dade Road Impact Fee Manual adopted May 23, 1989 by Ordinance No. 89-47, as amended by Ordinance Numbers 89-53, 90-60, 92-153, 94-134, 94-185, 92-215, 98-125, 99-98, and 01-153 is hereby amended to read as follows:

X. IMPACT FEE BENEFIT DISTRICTS AND TRUST ACCOUNTS

* * *

- A. To insure that fee-funded roadway improvements will benefit impact fee-paying development, all collected impact fees shall be spent only for off-site roadway improvements or for principal and interest payments (including sinking fund payments) on bonds or other borrowed revenues used to fund such improvements, within the benefit district in which the fee-paying development is located, or within three (3) miles of the border of the benefit district upon prior determination by resolution of the Board of County Commissioners, that the project benefits the Impact Fee District where the funds were collected. These benefit districts are described in detail in ~~[[the Ordinance and in Attachments A revised and B Revised in this section of the Manual.]]~~ >>Section 33E-17 of the Miami-Dade County Code which is incorporated herein by reference.<< The full width of the right-of-way of the roadways that form a border of a benefit district shall be considered to be within the district.

* * *

XI. IMPACT FEE TRUST ACCOUNT EXPENDITURES

* * *

- B. Highest priority for impact fee trust account expenditures shall be for roadway improvements deemed by the >>Miami<<Dade County Metropolitan Planning Organization (hereinafter referred to as MPO) as most needed to serve new development. Such determination by the MPO shall consider recommendations from a Joint County / Municipal Staff Committee established for each of the ~~[[nine(9)]]~~ >>three (3)<< impact fee benefit districts.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Section 1 and 2 of this ordinance, shall become and be made part of the Code of Miami-Dade County, Florida, and that the remaining Sections of this ordinance shall not be made a part of the Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word ordinance may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective October 1, 2005 unless vetoed by the Mayor, and if vetoed, shall become effective on such date only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney
as to form and legal sufficiency
Prepared by:

RA6

CNC

Craig H. Coller

ATTACHMENT "A"
Proration of Funds into New Districts

Former Districts	New District 1	New District 2	New District 3
1	0 %	98.3 %	1.7 %
2	55.8 %	28.9 %	15.3 %
3	100 %	0 %	0 %
4	0 %	100 %	0 %
5	0 %	61.9 %	38.1 %
6	0 %	7.1 %	92.9 %
7	0 %	42.2 %	57.8 %
8	100 %	0 %	0 %
9	100 %	0 %	0 %

The percentages represent the proportion (by area) of each of the nine existing districts that falls within each of the proposed new districts. The following areas have been excluded from the area proration:

1. those portions of districts lying West of Levee L-31 and the Southeastern boundary of Everglades National Park
2. those portions of districts lying within the waters of the Intracoastal Waterway, Biscayne Bay and the Atlantic Ocean
3. the island of Elliot Key